

# Murphy Spadaro & Landon

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April 4, 2006

**BY ELECTRONIC FILING**

The Honorable Kent A. Jordan  
United States District Court  
844 North King Street, Room 4209  
Wilmington, DE 19801

**RE: Eames v. Nationwide Mut. Ins. Co.**  
**C.A. No.: 04-CV-1324KAJ**

Dear Judge Jordan:

At the November 8, 2005 hearing on Nationwide's motion to dismiss, the Court ordered the parties to confer regarding new deadlines for discovery and briefing on class certification issues. My letter to the Court of January 23, 2006 set forth the parties' agreement in that regard. Under that agreement, class certification discovery will close on April 28, 2006, and briefing will begin on May 8, 2006. Thus, there are just twenty-four days remaining before the close of class certification discovery.

As the Court is aware, the SDM issued his Report and Recommendations regarding the Eames Plaintiffs' Motion to Compel Documents Responsive to Their Initial Document Requests and for Sanctions on January 4, 2005. Among other things, the SDM recommended that the motion to compel be granted. Thereafter, and pursuant to a Court-ordered briefing schedule, the Eames plaintiffs moved to adopt and supplement the SDM's recommendations (and Nationwide filed objections to them) on January 24, 2006.

Assuming for the sake of argument that the Court upholds the SDM's recommendations, the window of time in which the Eames plaintiffs could make meaningful use of the documents (for class certification purposes) is closing. Indeed, it appears that unless the documents are produced immediately, Nationwide will have successfully run out the clock -- thereby making the Eames plaintiffs' success on the original motion to compel a purely pyrrhic victory.

We appreciate the many competing demands on the Court's resources, and we remain available to assist the Court in addressing these issues.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/dmw

cc: Curtis P. Cheyney, III, Esq. (by electronic filing)

00130518

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

THOMAS A. EAMES, ROBERTA L. EAMES	)	
and TAMMY EAMES, on behalf of	)	
themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	C.A. No. 04-CV-1324KAJ
	)	
v.	)	
	)	
NATIONWIDE MUTUAL INSURANCE	)	
COMPANY.	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

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Tammy Eames (on behalf of themselves and  
all others similarly situated)

April 4, 2006